REMARKS

Status of Claims

The Office Action mailed June 28, 2005 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1-8 and 56-58 were pending in the application with claims 57 and 58 being withdrawn. Claims 1 and 56-58 have been amended and no claims have been canceled or newly added. Therefore, claims 1-8 and 56-58 are pending in the application and claims 1-8 and 56 are submitted for reconsideration.

This Amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

Prior Art Rejections

In the Office Action, claims 1-8 and 56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 6,370,513 to Kolawa et al. (hereafter "Kolawa") in view of Official Notice. Applicants respectfully traverse this rejection for at least the following reasons.

Amended independent claim 1 recites, *inter alia*, a system that recommends a consumer product selection across a network to a consumer, including: (1) a descriptor module that is configured to receive human descriptor trait (HDT) descriptor input regarding the plurality of descriptors of at least a sampled (i.e., actual or existing) consumer product from at least two independent *consumers* at two independent nodes, respectively, on the network; and (2) a third computing module, that determines for each of said plurality of consumer products a correlation between said at least two classes and each of said plurality of descriptors including the received HDT descriptor input. Neither of these two recited features is disclosed or suggested by the applied prior art.

Specifically, nowhere the does Kolawa teach or suggest independent *consumers* providing human descriptive trait (HDT) input regarding a *sampled* consumer product over a network. With respect to this feature, the office action asserts that Kolawa teaches retailers

providing "information about *potential* products (i.e., not sampled or actual products) and services which may be recommended *to* the users of the system." *See* col. 2, lines 2-6 of Kolawa. That is, Kolawa only teaches that retailers may provide information about *potential* products or services which may then be recommended to the users of the system. Therefore, there is absolutely no teaching of receiving input from independent consumers over a network on human descriptive traits of a sampled consumer product.

The office action then relies on official notice to cure this deficiency in Kolawa. The office action states that receiving feedbacks/reviews of products from customers is well known to those of ordinary skill in the art and hence official notice is taken of that fact. However, applicant disagrees that official notice can be taken of the feature missing in Kolawa that receiving input from (1) *independent consumers over a network* on (2) *human descriptive traits* of (3) a *sampled* consumer product in the context of the claimed recommendation system. If the examiner is to maintain this rejection, the examiner is respectfully requested to cite to a reference as required by MPEP §2144.03.

Furthermore, there is not sufficient motivation to combine the official notice assertion with the Kolawa reference. Kolawa teaches a system in which *user (or consumer) preference vector* is developed and compared to a separately created *product vector* and any feedback from the user refines the *user* preference vector. Updating the product vector directly based on HDT descriptor input from sampled consumer products is not taught or suggested by the user. In fact, Kolawa teaches updating the user preference vector from user input and modifying Kolawa in the manner suggested would impermissibly change the principle of operation of Kolawa. Therefore, the only basis to motivate the combination appears to be based on using the applicant's invention as a road map (i.e., by using impermissible hindsight reconstruction).

Accordingly, applicant submits that independent claim 1 is patentable over the prior art of record. The remaining independent claims (currently withdrawn) are also allowable for similar reasons as claim 1.

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole.

In view of the foregoing amendments and remarks, applicants submit that the application is now in condition for allowance. If there are any questions regarding the application, or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is courteously invited to contact the undersigned attorney at the local telephone number below.

> Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

Date September 28, 2005

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